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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10:775,417	02/10/2004	Jeffrey L. Robbins	Mo6359D2/MD00-70-PU	9722
157	7590	07/12/2004	EXAMINER	
BAYER POLYMERS LLC 100 BAYER ROAD PITTSBURGH, PA 15205			BAREFORD, KATHERINE A	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,417

Applicant(s)

ROBBINS, JEFFREY L.

Examiner

Katherine A. Bareford

Art Unit

1762

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

1. The Examiner notes the preliminary amendment filed with the application, on Feb. 10, 2004, canceling claims 1-29, leaving original claims 30-~~31~~² present for examination.

Specification

2. The disclosure is objected to because of the following informalities: in the specification (in the amendment made Feb. 10, 2004), applicant should clarify that application 10/348,295 is now U.S. Patent No. 6,719,845.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ring et al (US 4477495) in view of GB 377,983 (hereinafter '983).

Ring teaches a process for the production of a finished carpeting article having a uniform back coating. Column 11, lines 5-25. A greige good (the carpeting web) is fed good face side down along a substantially horizontal path. Column 11, lines 5-25, column 4, line 60 through

column 5, line 15 and figure 1. Tension is applied to the web as it moves along the path. Column 4, line 60 through column 5, line 10 and figure 1 (through the rolls 24 and 26). A puddle of coating composition is applied to the reverse side of the web through a supply means. Figure 1 and column 5-15. The web is passed over a bedplate and under a doctor blade. Column 6, lines 5-45 and figures 1-3 (table 2 acts as a "bedplate". The bedplate is positioned below the substantially horizontal path and spans across it. Figures 1-3 and column 6, lines 5-45. The doctor blade is attached to a frame and is positioned above the substantially horizontal path. Figures 1-3 and column 6, lines 5-45. A uniform coating is formed on the back face of the fibers of the web. Column 6, lines 40-45 and column 11, lines 5-25. The back coated web is collected. Figure 1 and column 5, lines 1-5 (roll 14). The coating material applied can be coating slurries or suspension materials. Column 10, lines 65-68.

Ring teaches all the features of this claim except that the coating is frothed and that the bedplate has a recess in the area of the doctor blade.

However, '983 teaches applying a coating to a fabric web. Column 5, lines 5-10. The web is passed over a bedplate in a path that can be substantially horizontal. See figures 1-2 and page 1, lines 10-25. The bedplate can be substantially horizontal with a recessed groove cut into the bedplate in the area of the doctor blade. Figure 3 and page 5-15. As a result, when the doctor blade presses the web, the fabric bridges over the grooves and the resultant space below the fabric allows and irregularities of thickness to pass safely below the doctor without harm to the fabric. Page 1, lines 25-45.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ring to use a bedplate with a groove in the area of the doctor blade as suggested by '983 in order to provide a more even and desirable coating, because Ring teaches using a doctor blade system with a facing table/bedplate where a web of carpet to be coated is passed between the doctor and the table, and as carpet the web would have an uneven surface with tufts, and '983 teaches using a doctor blade to coat a web where the web passes between the doctor and a bedplate, whereby the bedplate has a groove in the area of the doctor blade to accommodate irregularities in the web and allow for a more even coating. While '983 teaches the use of a thermoplastic coating, as shown by Ring it is also desired to obtain even coatings on uneven webs when using other types of coating. As well, it would have been obvious to modify Ring in view of '983 to use a frothed coating with an expectation of desirable coating results, as it is the Examiner's position that it is well known in the art of coating carpet backs to use a frothed coating and Ring teaches that various slurries or suspension materials can desirably be coated, which would include frothed materials.

5. French 2 642 332 also teaches to form a recess area in a plate under a doctor blade when coating a web that passes between the doctor blade and the plate. See the abstract and figure 1.

Allowable Subject Matter

6. Claims 31 and 32 are allowed.

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The cited prior art does not teach or suggest that the bedplate can have two bars of material separate from the bedplate attached to the bed plate to form the recess as claimed (claim 31) or that two separate bedplates can be used to form the claimed recess area (claim 32).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:30-4:00) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Other inquiries can be directed to the Tech Center 1700 telephone number at (571) 272-1700.

Furthermore, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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